

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 10/19/09 Monday Dept: 1A**

**(Posted 10/15/09)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: CF8253 [M] BANK OF AMERICA v DURHAM  
Type: COLLECTIONS Date Filed: 10/06/08  
Priority Info: RULE 3.740  
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: BANK OF AMERICA ATTY: THOMAS LAW OFFICES PLLC  
DEFNDT: DURHAM, CYNTHIA N  
Service Date/Type: 01/10/09 PER 00 00 00  
DBA: CONSTRUCTION FIVE STAR

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 1/25/10.

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2. **1:00 PM** Case: CF8254 [M] MRC RECEIVABLES CORP v LANGENBAHN  
Type: COLLECTIONS Date Filed: 10/06/08  
Priority Info: RULE 3.740  
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: MRC RECEIVABLES CORP ATTY: THOMAS LAW OFFICES PLLC  
DEFNDT: LANGENBAHN, MARY  
Service Date/Type: 11/18/08 PER 00 00 00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 1/25/10.

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3. 1:00 PM Case: CF8255 [M] HSBC BANK NEVADA v ANDRUS  
Type: COLLECTIONS Date Filed: 10/07/08  
Priority Info: RULE 3.740  
Event: OSC RE: JUDGMENT

PLNTFF: HSBC BANK NEVADA NA ATTY: MANN BRACKEN LLP  
DEFNDT: ANDRUS, SUSAN G  
Service Date/Type: 11/05/08 SUB 00 00 00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 1/25/10.

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4. 1:00 PM Case: CF8263 [M] HSBC BANK NEVADA v ANDRUS  
Type: COLLECTIONS Date Filed: 10/10/08  
Priority Info: RULE 3.740  
Event: OSC RE: JUDGMENT

PLNTFF: HSBC BANK NEVADA NA ATTY: MANN BRACKEN LLP  
DEFNDT: ANDRUS, KENNETH L  
Service Date/Type: 10/23/08 PER 00 00 00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 1/25/10.

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5. 1:00 PM Case: CF8504 [M] CAPITAL ONE BANK v LINDOW  
Type: COLLECTIONS Date Filed: 03/16/09  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: CAPITAL ONE BANK USA NA ATTY: THOMAS LAW OFFICES PLLC  
DEFNDT: LINDOW, THOMAS M  
DBA: DRY CARPET RESORT

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 1/25/10.

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6. 1:00 PM Case: CF8772 [M] WILLIAMS v NATHAN/WEINSTEIN  
Type: BREACH OF CONTRACT Date Filed: 08/04/09  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*  
12/21/09 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: WILLIAMS, CHRISTOPHER D ATTY: IN PRO PER  
DEFNDT: NATHAN, RANDALL J  
DEFNDT: WEINSTEIN, SIDNEY

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

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7. 1:00 PM Case: CV32733 [S] DIGIALLONARDO, ETAL v MARINA RIDGE, ETAL  
Type: BREACH OF CONTRACT Date Filed: 06/05/06  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: DIGIALLONARDO, TOM D. ATTY: IN PRO PER  
PLNTFF: GRECI, CYNTHIA M. ATTY: IN PRO PER  
DEFNDT: MARINA RIDGE LLC  
DEFNDT: DOUBINSKI, LEONARD ATTY: MATTA, GARY R. ESQ.  
DEFNDT: VLD REALTY ATTY: MATTA, GARY R. ESQ.  
AKA: VLD REALTY GROUP LLC  
DBA: CALYPSO BAY HOME SALES  
DF/X-D: BLDCO - C/O VLADIMIR KAMYSIN ATTY: MCCARTNEY & ASSOCIATES  
Service Date/Type: 08/04/06 SUB Answer Date: 09/15/06  
X-DEFT PIMENTEL, BALDOMERO CRUZ  
DBA: BP CONCRETE

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 4/19/10.

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8. 1:00 PM Case: CV34221 [S] CALAVERAS LUMBER CO v GOLD WEST ET AL  
Type: BREACH OF WARRANTY Date Filed: 11/16/07  
Priority Info: BANKRUPTCY  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL  
STATUS OF BANKRUPTCY

PLNTFF: CALAVERAS LUMBER COMPANY INC ATTY: AIROLA & AIROLA  
DEFNDT: GOLD WEST CONSTRUCTION INC  
DEFNDT: MARINA RIDGE LLC

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 2/22/10.

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9. 1:00 PM Case: CV35746 [S] SCHMIDT v US BANK NATIONAL ASSO  
Type: QUIET TITLE Date Filed: 05/26/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: SCHMIDT, DONALD BRUCE ATTY: WEISBERG, MICHAEL ESQ  
PLNTFF: SCHMIDT, DONNA B. ATTY: WEISBERG, MICHAEL ESQ  
DEFNDT: HOMEQ SERVICING CORPORATION  
Service Date/Type: 06/01/09 PER 00/00/00  
DEFNDT: BARCLAY'S CAPITAL REAL ESTATE INC  
Service Date/Type: 06/02/09 PER 00/00/00

DBA: HOMEQ SERVICING  
D/TRSTE US BANK NATIONAL ASSOCIATION  
Service Date/Type: 06/02/09 PER

00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 1/25/10.

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10. 1:00 PM Case: CV35775 [S] NEMEE v COUNTY OF CALAVERAS  
Type: WRIT OF MANDATE Date Filed: 06/04/09  
Priority Info: \*170.3 JEM & DVM  
Event: FURTHER CASE MANAGEMENT CONFERENCE  
170.3 JEM

Related cases NOT on this calendar: CV35721 ,  
PETNR: NEMEE, MICHAEL ATTY: FOLEY, LAW OFFICES OF KENNETH  
PETNR: NEMEE, MICHELLE ATTY: FOLEY, LAW OFFICES OF KENNETH  
RESP: COUNTY OF CALAVERAS C.C.: CALAVERAS COUNTY COUNSEL  
Service Date/Type: 00/00/00 Answer Date: 06/12/09

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 6 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 day court trial.

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11. 1:30 PM Case: CF7562 [M] DISCOVER BANK v ROJAS  
Type: COLLECTIONS Date Filed: 06/06/07  
Event: COURT'S MOTION TO DISMISS PER 3.1385

PLNTFF: DISCOVER BANK ATTY: MANN BRACKEN LLP  
DEFNDT: ROJAS, MANUELA  
Service Date/Type: 06/28/07 PER 00/00/00

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

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12. 1:30 PM Case: CV33702 [S] KAUTZ v KAUTZ  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/10/07  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: KAUTZ, STEPHEN ATTY: LANE DUNCAN & LAMBERTSON  
RESP: KAUTZ, LORI ATTY: MCKINLEY, JOHN H. ESQ  
Service Date/Type: 06/01/07 PER Answer Date: 02/01/08

Tentative Ruling: Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/25/10.

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13. 1:30 PM Case: CV34559 [S] NELSON v NELSON  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 04/01/08  
Priority Info: STATUS ONLY MSE 06-09-09

Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: NELSON, DEBRA ATTY: COTTRELL, STEVEN J ESQ  
RESP: NELSON, MICHAEL J. ATTY: IN PRO PER  
Service Date/Type: 04/16/08 PER Answer Date: 05/06/08

Tentative Ruling: Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/25/10.

14. 1:30 PM Case: CV35175 [S] HOFFMAN v CARMONA  
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 10/21/08  
Priority Info: CONFIDENTIAL  
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV35439 ,  
 PETNR: HOFFMAN, TRACY ATTY: IN PRO PER  
 RESP: CARMONA, JOEL

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/25/10.

15. 1:30 PM Case: CV35789 [S] NISBET v WARREN  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/10/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: NISBET, CRISTINA                      ATTY: IN PRO PER  
RESP: WARREN, JEREMY W.                    ATTY: SALAZAR, ANTHONY T. ESQ  
Service Date/Type: 06/10/09 PER Answer Date: 08/26/09

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/25/10.

16. 1:30 PM Case: CV35805 [S] MILOSLAVICH v REYNOSO  
Type: NULLITY WITHOUT MINOR CHILDREN Date Filed: 06/15/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: MILOSLAVICH, MARILOU                    ATTY: IN PRO PER  
RESP: REYNOSO, ROBERT  
Service Date/Type: 07/27/09 AKN                    00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 1/25/10.

17. 1:30 PM Case: CV35814 [S] BUTTON v BUTTON  
Type: DISSOLUTION WITHOUT MINOR CHILDREN Date Filed: 06/16/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BUTTON, BRADLEY D                      ATTY: IN PRO PER  
RESP: BUTTON, DEBRA L                      ATTY: IN PRO PER  
Service Date/Type: 07/02/09 PER    Answer Date: 07/09/09  
AKA: BUTTON, DEBORAH L

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/25/10.

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18.    **2:30 PM** Case: CV34772            [S] CLOUGH    v CLOUGH  
Type: DISSOLUTION WITH MINOR CHILDRE                      Date Filed: 06/10/08  
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: CLOUGH, JILL                      ATTY: HOLLOWAY, J. CHRISTOPHER ESQ  
RESP: CLOUGH, RICK                      ATTY: YANKOVSKY, KRISTINE ESQ  
Service Date/Type: 00/00/00                      Answer Date: 08/08/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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19.    2:30 PM Case: CV35668            [S] TIBBETTS    v TIBBETTS  
Type: DISSOLUTION WITHOUT MINOR CHIL                      Date Filed: 04/28/09  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: CV35378            , C13874            ,  
PETNR: TIBBETTS, MICHAEL A.                      ATTY: PAGE, HELEN O. ESQ  
RESP: TIBBETTS, TRACI ROSE                      ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
Service Date/Type: 05/19/09 PER    Answer Date: 05/29/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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